

February 21, 1992  
REPORT TO THE COMMITTEE  
ON TRANSPORTATION AND LAND USE

CODE ENFORCEMENT UPDATE - REVISIONS AND REORGANIZATION  
OF CHAPTER ONE OF THE MUNICIPAL CODE

At this Committee's meeting of September 11, 1991, the City Manager presented a report that outlined the development of a Comprehensive Code Enforcement Program and Policy. See City Manager's Report No. 91-387 dated September 4, 1991. One of the facets of this Comprehensive Code Enforcement Program involved the consolidation of various enforcement provisions located in Chapter One of the Municipal Code. The Committee endorsed this proposal and requested a status report for its special hearing devoted to code enforcement issues in February 1992.

This reorganization effort has been assigned to the Code Enforcement Unit in my office under the supervision of Deputy City Attorney Joseph Schilling. As part of this project's first phase, we have identified a few preliminary areas in Chapter One and related code enforcement sections throughout the Municipal Code which need to be streamlined. Input has also been solicited from the respective enforcement divisions, primarily Building Inspection and Planning, and the Manager's Code Enforcement Coordinator Bonnie Contreras.

Once this first phase is finished, an action plan will be established with tentative target deadlines for the distribution of the draft ordinances. Once these amendments are reviewed by the Code Coordinator and respective departments, we can return to this Committee.

At this preliminary stage, it is our best estimate that it will take approximately six months before a working draft can be submitted to this Committee. The sheer complexity of the code enforcement provisions throughout the Municipal Code is daunting. Over the past five years alone the City has created five new administrative remedies. Chapter One of the Municipal Code has been amended five times since January 1990. These changes within such a short period of time have resulted in ordinances that overlap and are superfluous. This maze of administrative procedures can create confusion.

Our primary objective is to evaluate all code enforcement provisions from a comprehensive point of view. This effort should clarify ambiguities, avoid repetition, and promote uniformity and clarity. A general outline of these preliminary suggestions as they

relate to Chapter One is attached to this Report for your information. Some of these proposed changes include:

- (1) All administrative hearings will be handled by Hearing Officers appointed by the City Manager and appropriate code enforcement boards;
- (2) The Definition section in Article 1, Division 3 will be expanded to incorporate all common terms repeated throughout Article 2, Division 3, and to delete surplus definitions. Likewise, we will consolidate the references to the three primary means of serving notice as they appear repeatedly throughout Chapter One into a single provision in Article 2, Division 1, Service of Notice.
- (3) The numerous sections relating to Hearing Procedure  $\S$ 13.0304(e), Appeals  $\S$ 13.0304(f) and Costs  $\S$ 13.0304(h) - (o) will be consolidated to develop a uniform process and be moved to entirely new Divisions 4, 5, and 6, respectively.
- (4) A section on Judicial Abatement will be added to Article 3, Division 3. This will enhance our code enforcement efforts in court by allowing us to take advantage of recent authority created by the Legislature under Government Code sections 38773.1 and 38773.5.
- (5) Article 3, Division 4 presently entitled Cost Recovery will be renamed and moved to a newly created Division 6. This Division will streamline the numerous and somewhat inconsistent provisions that govern abatement costs, sources of recovery, imposition of personal obligations upon property owners, recovery of judicial and administrative penalties, and hearing procedures to determine the amount of abatement costs (i.e., accounting reports).

This list is by no means final or complete. This project will continue to evolve with input from the respective departments and the Manager's Code Enforcement Coordinator.

Respectfully submitted,  
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City Attorney

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ATTACHMENT  
RC-92-20